

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

CAMELLIA D. BROWN

PLAINTIFF

VS.

CIVIL ACTION NO. 4:08CV135TSL-LRA

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY

DEFENDANT

ORDER

This cause is before the court on the report and recommendation of United States Magistrate Judge Linda R. Anderson, entered on October 8, 2010, remanding the case to the administrative law judge for further consideration, and the court having fully reviewed the report and recommendation and being duly advised in the premise, finds that the report and recommendation should be adopted by the court.

Accordingly, it is ordered that plaintiff's motion for summary judgment is granted in part and denied in part. It is further ordered that defendant's motion for an order affirming the commissioner is granted in part and denied in part. It is further ordered that the Commissioner's decision that claimant's impairments did not meet or medically equal any listing is reversed and that the matter is remanded pursuant to sentence 4 of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge is directed to hold a new evidentiary hearing and reconsider the medical opinion on the equivalency as to Listing 12.05, in accordance with SSR 96-6P.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 1st day of November, 2010.

/s/ Tom S. Lee _____
UNITED STATES DISTRICT JUDGE